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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,022

03/08/2007

Scott A. Williams

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31989

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07/13/2010

MITCHELL A. SMOLOW

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EXAMINER

HESS, BRUCE H

ART UNIT

PAPER NUMBER

1785

NOTIFICATION DATE

DELIVERY MODE

07/13/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

msmolow@smolowlaw.com

Office Action Summary	Application No. 10/589,022	Applicant(s) WILLIAMS, SCOTT A.	
	Examiner BRUCE H. HESS	Art Unit 1785	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 35-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/14/06/</u> | 6) <input type="checkbox"/> Other: _____ |

1. The restriction/election requirement of the last Office action is adhered to and made final for the reasons of record.

2. Claims 20-25, 31 and 32 are rejected under 35 USC 102 (b) as being anticipated by either of the patents to Nishimura et al. (EP 0 878 320; see page 2, lines 52-57; page 3, lines 20-55 and the examples) or Kawai et al. (EP 0 896 883: see paragraphs [0010], [0011] and [0020] - [0060]).

3. Claims 20-25, 31 and 32 are rejected under 35 USC 102 (e) as being anticipated by the patent to Parrinello et al. (US 2004/0002570: see paragraphs [0013] – [0017] and [0029] - [0053]).

4. Claims 20 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of the patents to Kawai et al. or Parrinello et al.

These patents teach compositions that can comprise a self-crosslinking polymer, an ethylene vinyl acetate binder and a dye retention aid (e.g., a cationic polymer, a polyamide copolymer, silica or polyvinyl alcohol). The experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicant's claims patentable in the absence of unexpected results.

5. Claims 20-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Nishimura et al.

This patent teaches a composition that can comprise a self-crosslinking polymer, an ethylene vinyl acetate binder, a cationic polymer, silica and a dye retention aid. The experimental modification of this prior art in order to ascertain optimum operating

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conditions (e.g., determine compositional proportions) fails to render applicant's claims patentable in the absence of unexpected results.

6. Claims 28, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Nishimura et al. in view of either of the patents to Kawai et al. or Parrinello et al.

Given the advantages of employing polyamide dye retention aids as taught by the patents to Kawai et al. and Parrinello et al., use of a polyamide dye retention aid as the generically disclosed dye retention aid in the patent to Nishimura et al. would have been obvious to one of ordinary skill in this art in the absence of unexpected results.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE H. HESS whose telephone number is (571)272-1525. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on 571-272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRUCE H. HESS/
Primary Examiner, Art Unit 1785